

SENATE BILL 602

R1

0lr2434

By: **Senators Raskin, Brochin, and Pinsky**
Introduced and read first time: February 5, 2010
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – High Occupancy Vehicle (HOV) Lanes – Use by Plug-In**
3 **Vehicles**

4 FOR the purpose of requiring the State Highway Administration when designating a
5 portion of a highway as a restricted-use, high occupancy vehicle (HOV) lane, to
6 place traffic control devices indicating that the HOV lane may be used by
7 certain plug-in vehicles; requiring the Motor Vehicle Administration, the State
8 Highway Administration, and the Department of State Police to consult to
9 design a certain permit; authorizing the Motor Vehicle Administration to charge
10 a certain fee for issuing a certain permit; authorizing the State Highway
11 Administrator to limit the number of permits issued under this Act for certain
12 reasons; requiring the Motor Vehicle Administration and the State Highway
13 Administration to make a certain report to the General Assembly on or before a
14 certain date each year; defining certain terms; providing for the termination of
15 this Act; and generally relating to the designation of HOV lanes by the State
16 Highway Administration and the use of HOV lanes by plug-in vehicles.

17 BY repealing and reenacting, without amendments,
18 Article – Transportation
19 Section 11–167 and 21–201(a)(1)
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2009 Supplement)

22 BY adding to
23 Article – Transportation
24 Section 25–108
25 Annotated Code of Maryland
26 (2009 Replacement Volume and 2009 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **Article – Transportation**

2 11–167.

3 “Traffic control device” means any sign, signal, marking, or device that:

4 (1) Is not inconsistent with the Maryland Vehicle Law; and

5 (2) Is placed by authority of an authorized public body or official to
6 regulate, warn, or guide traffic.

7 21–201.

8 (a) (1) Subject to the exceptions granted in this title to the driver of an
9 emergency vehicle, the driver of any vehicle, unless otherwise directed by a police
10 officer, shall obey the instructions of any traffic control device applicable to the vehicle
11 and placed in accordance with the Maryland Vehicle Law.

12 **25–108.**

13 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
14 **MEANINGS INDICATED.**

15 **(2) “HOV LANE” MEANS A HIGH OCCUPANCY VEHICLE LANE, THE**
16 **USE OF WHICH IS RESTRICTED BY A TRAFFIC CONTROL DEVICE DURING**
17 **SPECIFIED TIMES TO VEHICLES CARRYING A SPECIFIED NUMBER OF**
18 **OCCUPANTS.**

19 **(3) “PLUG-IN VEHICLE” MEANS A 4-WHEELED MOTOR VEHICLE**
20 **THAT:**

21 **(I) IS MADE BY A MANUFACTURER;**

22 **(II) IS MANUFACTURED PRIMARILY FOR USE ON PUBLIC**
23 **STREETS, ROADS, AND HIGHWAYS;**

24 **(III) HAS NOT BEEN MODIFIED FROM ORIGINAL**
25 **MANUFACTURER SPECIFICATIONS;**

26 **(IV) IS RATED AT NOT MORE THAN 8,500 POUNDS UNLOADED**
27 **GROSS VEHICLE WEIGHT;**

28 **(V) HAS A MAXIMUM SPEED CAPABILITY OF AT LEAST 65**
29 **MILES PER HOUR; AND**

1 **(VI) IS PROPELLED TO A SIGNIFICANT EXTENT BY AN**
2 **ELECTRIC MOTOR THAT DRAWS ELECTRICITY FROM A BATTERY THAT:**

3 **1. HAS A CAPACITY OF NOT LESS THAN**
4 **4 KILOWATT-HOURS; AND**

5 **2. IS CAPABLE OF BEING RECHARGED FROM AN**
6 **EXTERNAL SOURCE OF ELECTRICITY.**

7 **(B) WHENEVER THE STATE HIGHWAY ADMINISTRATION PLACES A**
8 **TRAFFIC CONTROL DEVICE ON A HIGHWAY DESIGNATING A PORTION OF THE**
9 **HIGHWAY AS AN HOV LANE, THE TRAFFIC CONTROL DEVICE SHALL ALSO**
10 **INDICATE THAT THE HOV LANE MAY BE USED AT ALL TIMES BY PLUG-IN**
11 **VEHICLES THAT HAVE OBTAINED A PERMIT FROM THE ADMINISTRATION UNDER**
12 **THIS SECTION, REGARDLESS OF THE NUMBER OF PASSENGERS IN THE VEHICLE.**

13 **(C) (1) THE ADMINISTRATION, THE STATE HIGHWAY**
14 **ADMINISTRATION, AND THE DEPARTMENT OF STATE POLICE SHALL CONSULT**
15 **TO DESIGN A PERMIT TO DESIGNATE A VEHICLE AS A PLUG-IN VEHICLE**
16 **AUTHORIZED TO USE AN HOV LANE.**

17 **(2) THE ADMINISTRATION MAY CHARGE A FEE, NOT TO EXCEED**
18 **\$20, FOR ISSUING A PERMIT UNDER THIS SECTION.**

19 **(3) THE STATE HIGHWAY ADMINISTRATOR MAY LIMIT THE**
20 **NUMBER OF PERMITS ISSUED TO ENSURE HOV LANE OPERATIONS ARE NOT**
21 **DEGRADED TO AN UNACCEPTABLE LEVEL.**

22 **(D) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE ADMINISTRATION**
23 **AND THE STATE HIGHWAY ADMINISTRATION JOINTLY SHALL REPORT TO THE**
24 **GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
25 **GOVERNMENT ARTICLE, ON THE EFFECT OF THE USE OF THE PLUG-IN VEHICLE**
26 **PERMITS ISSUED UNDER THIS SECTION ON THE OPERATION OF HOV LANES IN**
27 **THE STATE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2010. It shall remain effective for a period of 2 years and, at the end of
30 September 30, 2012, with no further action required by the General Assembly, this Act
31 shall be abrogated and of no further force and effect.